

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**CYNTHIA A AVITT**  
Claimant

**APPEAL NO. 15A-UI-04702-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JACOBSON WAREHOUSE CO INC**  
Employer

**OC: 01/04/15**  
**Claimant: Respondent (6)**

Iowa Code Section 96.5(2)(a) – Discharge  
871 IAC 26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the April 9 2015, reference 02, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged, based on an Agency conclusion that the claimant was discharged on December 16, 2014 for no disqualifying reason. A hearing was scheduled for May 27, 2015. Prior to the hearing being held, the employer/appellant requested the appeal be withdrawn.

**ISSUE:**

Should the request to withdraw the appeal be granted?

**FINDINGS OF FACT:**

The employer is the appellant in this matter. An appeal hearing was scheduled for May 27, 2015. On May 26, 2015, the employer's representative of record faxed to the Appeals Bureau a request to withdraw the appeal. The request was submitted before a decision had been entered in connection with the appeal.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Admin. Code r. 871-26.8(1) provides:

(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

The administrative law judge has reviewed the records and files herein and concludes that the appealing party's request to withdraw the appeal should be approved.

**DECISION:**

The employer's request to withdraw the appeal is approved. The April 9 2015, reference 02, decision that allowed benefits to the claimant provided she was otherwise eligible and that held the employer's account could be charged, based on December 16, 2014 separation, shall remain effect.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/css